

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 34472 of 2005(D)

PETITIONER:

MEENU MARY THOMAS, AGED 18 YEARS,
D/O. P.T. THOMAS, PUTHENPURACKAL HOUSE,
BLOCK NO.1108, BALAGARAM P.O.,
KALLAR, IDUKKI DISTRICT.

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS:

MANAGER, THE KERALA STATE
CO-OPERATIVE BANK LTD., IDUKKI BRANCH,
CHERUTHONY, IDUKKI COLONY P.O.

ADDL. R2 & R3 IMPEADED.

2. THE SECRETARY, DEPARTMENT OF
CO-OPERATIVE SOCIETIES, SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE SECRETARY,
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

ADDL. R2 & R3 ARE IMPEADED AS PER ORDER IN I.A. 2758/06
DTD.1.3.2006.

R1 BY ADV. SRI.NAGARAJ NARAYANAN,SC,K.S.CO-OP BANK
ADDL. R2 & R3 BY GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.M.JOSEPH, J.

WP.(C) No.34472 of 2005

Dated this the 13th day of July, 2007

JUDGMENT

Petitioner challenges Ext.P5 and seeks a mandamus to sanction the loan amount of Rs.1,50,000/-, which the petitioner had applied for her study without insisting for any seniority. Case of the petitioner in brief is as follows:

Petitioner is a General Nursing student in the School of Nursing, Amala Hospital, Irutti, Kannur. Petitioner's father is an LIC Agent and he is not having the capacity to remit the fee amount of Rs.1,14,000/-. Petitioner's father therefore submitted a loan application for availing an amount of Rs.1,50,000/- for the educational purpose of his daughter. But the application was rejected stating that the College where the petitioner is studying is not having the recognition of Indian Nursing Council.

2. I heard learned counsel for the petitioner and the learned counsel for the Bank.

3. Learned counsel for the petitioner points out that the reason

given in Ext.P5 is unsustainable. Petitioner refers to the eligibility criteria in Ext.P7 to contend that the courses leading to diploma/degree etc., conducted by colleges/Universities approved by UGC/Govt./AICTE/AIBMS/ICMR etc., are also among the eligible courses.

4. Learned counsel for the respondent Bank would submit that without having the recognition from the Indian Nursing Council a student will not get employment outside Kerala. This is what was intended when Ext.P5 was issued to the father of the petitioner. At the same time it is contended by him that such a student is eligible to get employment within the State of Kerala provided there is recognition by the Kerala Nurses and Midwife's Council. Petitioner has produced Ext.P6, which shows that continuous sanction was accorded to the School of Nursing, Amala Hospital, Iritty, Kannur to continue the School having 20 students and to proceed with the process of next batch of admission in January, 2005. Learned counsel for the petitioner also relies on Ext. P7 to contend that Government has accepted the Model Scheme prepared by IBA subject to the following modifications:

“i. The condition of minimum qualifying marks in the last examination may be dropped.

ii. No margin may be insisted upon for loans upto Rs.4 lakh. However, for loans of higher amounts, the margin requirement may be 5% for inland studies and 15% for studies abroad.

iii. No security may be insisted upon for loans upto Rs.4 lakh. However, for loans above this amount, collateral security of suitable value or co-obligation of parents/guardians/third party alongwith the assignment of future income of the student for payment of instalments may be obtained.

iv. Loans upto Rs.4 lakh may be advanced at interest rate not exceeding PLR of the bank. Above Rs.4 lakh, the interest rate may be PLR + 1%.”

It is stated therein that no margin may be insisted upon for loan upto Rs.4 Lakhs. It is pointed by counsel for the petitioner that the loan applied for is Rs.1,50,000/-. It is further provided that no security may be insisted upon for loans upto Rs.4 Lakhs. Therefore it is contended by the learned counsel for the petitioner that petitioner is clearly entitled to get the loan applied for in terms of the Scheme as it stands

modified under Ext.P7.

Having heard counsel, I feel that the matter requires to be reconsidered. Accordingly Ext.P5 is quashed and there will be a direction to the first respondent to consider the loan application submitted for educational purpose and take a decision in the matter in accordance with law within a period of three weeks from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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